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IN THE
Supreme Court of the United States
OCTOBER TERM, 1956

No. 826-57

BOYD LEEDOM, ET AL., *Petitioners*,

v.

INTERNATIONAL UNION OF MINE, MILL AND
SMELTER WORKERS, *Respondent*.

On Petition for a Writ of Certiorari to the United States
Court of Appeals for the District of Columbia Circuit

MEMORANDUM FOR RESPONDENT

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Respondent believes that the holding below is clearly correct. However, in view of the granting of certiorari in No. 723, this Term, *Amalgamated Meat Cutters & Butcher Workmen of North America v. National Labor Relations Board and Lannom Manufacturing Co.*, we also believe that it would be appropriate to grant certiorari in this case and to hear it with No. 723.*

A major issue in No. 723 is whether a union's compliance status under section 9(h) of the National Labor Relations Act, as amended, is lost by virtue of the conviction, still under appeal, of one of the union's officers on charges that he filed false affidavits under 9(h). In the present case, a major issue is whether

* By a separate memorandum, we are opposing the "cross-petition" a Precision Scientific Company in No. 919, which arises out of the same litigation as this number.

the Board has power to remove a union's compliance status on an administrative determination that a union officer filed affidavits under 9(h) which were false to the knowledge of the union membership. There are, of course, other issues in this case, including the contention of respondent that the administrative determination was made without adequate evidence, on an irrational basis, and by an unfair procedure.

In view of the similarity between major issues in No. 723 and this case, we believe that the Court, having taken No. 723, might well review this case as well. In any event, this case should not be held pending disposition of No. 723. First, the issues here, though similar in certain respects, differ from those in No. 723 in other important respects. Secondly, compliance status is so vital to respondent, that it should have an opportunity to be heard by this Court. Third, in various respects, respondent's approach to the subject of decompliance as a consequence of allegedly false affidavits of a union officer differs in various aspects from the approach of the petitioner in No. 723. Finally, we believe that the Court will be assisted in determining the issues by the view of the general subject which can be obtained by reviewing both cases.

Respectfully submitted,

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